

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 234.6 and 2008 Iowa Acts, Senate File 2425, section 32(13), the Department of Human Services amends Chapter 185, "Rehabilitative Treatment Services," Iowa Administrative Code.

These amendments implement a 1 percent across-the-board increase for group foster care service providers as directed by 2008 Iowa Acts, Senate File 2425, section 32(6). The increase will be applied to reimbursement rates in effect on June 30, 2008. Although rehabilitative treatment and supportive services have been discontinued, the rate structure in this chapter continues to be used for child welfare services provided by foster group care facilities.

The amendments also eliminate the subrule on statewide fixed rates, since the family-centered services for which those rates were used are no longer available through this type of contract. (See **ARC 5937B**, published in the Iowa Administrative Bulletin on June 6, 2007, and **ARC 6515B**, published in the Iowa Administrative Bulletin on January 2, 2008.)

These amendments do not provide for waivers in specified situations, since a rate increase benefits the providers affected. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on June 11, 2008.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary and impracticable because these amendments implement 2008 Iowa Acts, Senate File 2425, section 32, which authorizes the Department to adopt rules without notice and public participation and requires the increases to be effective July 1, 2008.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(1), that the normal effective date of these amendments should be waived, as authorized by 2008 Iowa Acts, Senate File 2425, section 32.

These amendments are also published herein under Notice of Intended Action as **ARC 6912B** to allow for public comment.

These amendments are intended to implement Iowa Code sections 234.6 and 234.35 and 2008 Iowa Acts, Senate File 2425, section 32.

These amendments became effective July 1, 2008.

The following amendments are adopted.

ITEM 1. Amend paragraph **185.112(1)"k"** as follows:

k. Once a negotiated rate is established based on the provisions of this subrule, it shall not be changed or renegotiated during the period of this rule except in the following circumstances:

(1) By mutual consent of the provider and the service area manager of the host area based upon the factors delineated at paragraph 185.112(1)"f," except that rates shall not be changed or renegotiated for the period of July 1, 2000, through June 30, ~~2008~~ 2009.

(2) In accordance with paragraph 185.112(6)"b," except that rates shall not be changed or renegotiated for services not assumed by a new provider for the period of July 1, 2000, through June 30, ~~2008~~ 2009.

(3) Rates may be changed when funds are appropriated for an across-the-board increase. A ~~3~~ 1 percent cost-of-living adjustment will be applied to those rates in effect as of June 30, ~~2007~~ 2008.

ITEM 2. Rescind and reserve subrule **185.112(14)**.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/2/08.